

REMARKS

This Reply is in response to the Office Action mailed on October 22, 2007 in which claims 10 and 18 were allowed and in which claims 1, 2, 4-6, and 12-16 were rejected. Claims 1, 2, 4, 6, 10, 12-16 and 18 are presented for reconsideration and allowance.

I. Rejection of Claims 1-2, 4, 6, 12-15 and 16 under 35 USC 103(a) Based upon Helmstaedter, Krueger, Hudson and Hudson

Page 2 of the Office Action rejected claims 1-2, 4, 6, 12-15 and 16 under 35 USC 103(a) as being unpatentable over Helmstaedter US Patent 5454312 in view of Krueger US Patent 2,231,339, Tajima JP 62-215441 and Hudson et al. US Patent Publication 2004/0113349. For the reasons which follow, such rejections should be withdrawn.

A. Claim 1

Claim 1 recites a conveyor for transferring print media from cups to a print engine. Claim 1 further recites a drum for advancing the print media from the print engine to the cups, wherein the cups are configured to engage the print media while the media is supported by the drum and to lift the print media off the drum. Claim 1 recites that the distal surfaces of two of the three cups lying in a first plane while the distal surface of the other of the three cups lies in a second offset plane.

Neither Helmstaedter, Krueger, Tajima nor Hudson, alone or in combination, disclose (1) a conveyor transferring print media from cups to a print engine AND a drum for advancing print media from the print engine to the cups OR (2) the distal surfaces of two of the three cups lie in a first plane while the distal surface of the other of the three cups lies in a second offset plane.

1. Neither Helmstaedter, Krueger, Tajima nor Hudson, alone or in combination, disclose a conveyor transferring print media from cups to a print engine AND a drum for advancing print media from the print engine to the cups.

Applicants respectfully point out that claim 1 recites that the conveyor transferred print media from the cups to a print engine and that the drum advances print media from the **SAME** print engine to the cups. Neither Helmstaedter nor any of the other references relied upon by the Examiner satisfy this limitation.

In rejecting the claims, the Office Action largely relies upon newly discovered reference, Helmstaedter. The Office Action correlates elements of Helmstaedter to each of the limitations of claim 1 EXCEPT one limitation: the print engine.

Helmstaedter does not disclose a print engine that is separate from the same structure already characterized as "the drum" by the Office Action in order to reject claim 1. In particular, the Office Action characterizes impression cylinder 3 of Helmstaedter as "the drum" of claim 1. However, impression cylinder 3 of Helmstaedter also is a component that prints upon the media. In contrast, the claims recite that the print engine is distinct from the drum in that the drum advances print media FROM the print engine. Any assertion that it would somehow be obvious to add a separate print engine to Helmstaedter would make little sense as such a modification (A) would be redundant since Helmstaedter already has a mechanism for printing upon media and (B) would clearly change the principle of operation and to destroy the intended functioning of Helmstaedter (see MPEP 2143.01).

Second, it is the print engine that receives print media from the conveyor and from which the drum advances print media to the cups. The Office Action characterizes impression cylinder 3 as the "drum" and impression cylinder 4 as the "conveyor". However, it is clear that impression cylinder 3 and impression cylinder 4 do NOT advance print media from and transfer print media to the SAME print engine.

2. Neither Helmstaedter, Krueger , Tajima nor Hudson, alone or in combination, disclose the distal surfaces of two of the three cups lie in a first plane while the distal surface of the other of the three cups lies in a second offset plane.

In rejecting claim 1, the Office Action acknowledges that Helmstaedter does not disclose the distal surfaces of two of the three cups lie in a first plane while the distal surface of the other of the three cups lies in a second offset plane. As a result, the Office Action attempts to additionally rely upon Krueger or Tajima. In an attempt to satisfy his burden under 35 USC 103, the Examiner argues that:

it would have been obvious to a person having ordered scale the art at the time the invention to modify Helmstaedter has taught by Krueger and include Krueger's similar device having a first plane a second plane for the purpose of "eliminating the disadvantages of earlier machines and to provide at the same time a simplified construction which will be more economical to build and will afford less trouble during operation than an heretofore been practical".

(Office Action dated October 22, 2007, page 3). With respect to Tajima, the Office Action asserts that:

it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Helmstaedter and Hudson as taught by Tajima and include Tajima's similar device and having at least four suction members arranged with the middle cups being in the first plane and the outer cups in the second plane for the purpose of balancing the medium [sic] in the printing device.

(Office Action dated October 22, 2007, page 3).

However, in contrast to both assertions, one of ordinary skill in the art would not be led to modify Helmstaedter based upon either Krueger or Tajima. The alleged motivations lack merit. In particular, the alleged motivations are completely irrelevant to the printing press of Helmstaedter.

With respect to Krueger, the Office Action points to the broad and unspecific statement of "eliminating the disadvantages of earlier machines." Question is, what are the "disadvantages" that Krueger intends to eliminate? The answer is that the "disadvantage" intended to be solved by Krueger is the double picking or supplying of more than one sheet from a stack of sheets (see

column 1, lines 9-16). The objective of Krueger is to prevent sheets in a stack from sticking together with the topmost sheet is being picked.

This "disadvantage" is completely irrelevant to Helmstaedter. Helmstaedter does not disclose picking a sheet from a stack of sheets. The suction nozzles 10 do not pick a sheet from a stack of sheets. Helmstaedter says absolutely nothing about any problems associated with a sheet sticking to another sheet. Therefore, why would one of ordinary skill in the art be somehow led to modify Helmstaedter based upon the teachings of Krueger as alleged by the Office Action? Absent Applicant's own disclosure, neither Helmstaedter nor Krueger provide any motivation for modifying Helmstaedter as alleged by the Office Action.

With respect to Tajima, the alleged motivation of "balancing the medium in the printing device" is also completely irrelevant to Helmstaedter. As with Krueger, Tajima appears to use the suction cups for lifting a sheet from a stack of sheets. Once again, Helmstaedter does not disclose picking a sheet from a stack of sheets. The suction nozzles 10 do not pick a sheet from a stack of sheets. Helmstaedter says absolutely nothing about any problems associated with the balancing of sheets. Therefore, why would one of ordinary skill in the art be somehow led to modify Helmstaedter based upon the teachings of Tajima as alleged by the Office Action? Absent Applicant's own disclosure, neither Helmstaedter nor Tajima provide any motivation for modifying Helmstaedter as alleged by the Office Action. Accordingly, for all the reasons provided above, the rejection of claim 1 should be withdrawn. Claims 2-4 and 6 depend from claim 1 and overcome the rejection for least the same reasons.

B. Claim 12

Claim 12 recites an assembly for handling the sheet material which includes a drum positioned adjacent to coupling members for delivering sheet material to the coupling members, wherein the coupling members are configured to engage the print media while the sheet material is supported by the drum and to lift the print media off the drum. claim 12 further recites that at least one of the coupling members is disposed a first distance from the axis of rotation and another of the

coupling members is disposed a second distance from the axis of rotation, the first and second distances being different.

Neither Helmstaedter, Krueger, Hudson nor Tajima, alone or in combination, disclose or suggest at least one of the coupling members is disposed a first distance from the axis of rotation and another of the coupling members is disposed a second distance from the axis of rotation, the first and second distances being different. Clearly, suction nozzles 10 of Helmstaedter are not at distinct or different distances from the rotational axis of turning drum 5. As acknowledged by the Office Action, Helmstaedter does not disclose the distal surfaces of two of the three cups lie in a first plane while the distal surface of the other of the three cups lies in a second offset plane. As a result, the Office Action attempts to additionally rely upon either Krueger or Tajima and asserts that it be obvious to modify Helmstaedter based upon Krueger or Tajima.

However, as noted above,, one of ordinary skill in the art would not be led to modify Helmstaedter based upon either Krueger or Tajima. The alleged motivations lack merit. In particular, the alleged motivations are completely irrelevant to the printing press of Helmstaedter.

With respect to Krueger, the Office Action points to the broad and unspecific statement of "eliminating the disadvantages of earlier machines." Question is, what are the "disadvantages" that Krueger intends to eliminate? The answer is that the "disadvantages" intended to be solved by Krueger is the double picking or supplying of more than one sheet from a stack of sheets (see column 1, lines 9-16). The objective of Krueger is to prevent sheets in a stack from sticking together with the topmost sheet is being picked.

This "disadvantage" is completely irrelevant to Helmstaedter. Helmstaedter does not disclose picking a sheet from a stack of sheets. The suction nozzles 10 do not pick a sheet from a stack of sheets. Helmstaedter says absolutely nothing about any problems associated with a sheet sticking to another sheet. Therefore, why would one of ordinary skill in the art be somehow led to modify Helmstaedter based upon the teachings of Krueger as alleged by the Office Action?

Absent Applicant's own disclosure, neither Helmstaedter nor Krueger provide any motivation for modifying Helmstaedter as alleged by the Office Action.

With respect to Tajima, the alleged motivation of "balancing the medium in the printing device" is also completely irrelevant to Helmstaedter. As with Krueger, Tajima appears to use the suction cups for lifting a sheet from a stack of sheets. Once again, Helmstaedter does not disclose picking a sheet from a stack of sheets. The suction nozzles 10 do not pick a sheet from a stack of sheets. Helmstaedter says absolutely nothing about any problems associated with the balancing of sheets. Therefore, why would one of ordinary skill in the art be somehow led to modify Helmstaedter based upon the teachings of Tajima as alleged by the Office Action? Absent Applicant's own disclosure, neither Helmstaedter nor Tajima provide any motivation for modifying Helmstaedter as alleged by the Office Action. Accordingly, the rejection of claim 12 should be withdrawn.

C. Claim 13

Claim 13 recites an imaging device which has suction members disposed at different distances from the axis of rotation and configured to corrugate at least a section of the medium with a medium is adhered to the suction members.

Neither Helmstaedter, Krueger, Hudson nor Tajima, alone or in combination, disclose or suggest suction members disposed at different distances from the axis of rotation and configured to corrugate at least a section of the medium with a medium is adhered to the suction members. Once again, the Office action acknowledges that Helmstaedter does not disclose such limitations and attempts to fill the void by additionally relying upon Krueger and Tajima. However, as noted above, it would not be obvious to modify Helmstaedter based upon Krueger or Tajima as Krueger and Tajima are directed to problems that do not and cannot exist in the device of Helmstaedter. Absent Applicants' own disclosure, there is no teaching or suggestion for modifying Helmstaedter based upon Krueger or Tajima. Accordingly, the rejection claim 13

should be withdrawn. The rejection of claim 14-16 should be withdrawn for least of the same reasons.

D. Claim 16

Claim 16 depends from claim 13 recites that the imaging engine comprises a liquid electrophotography print engine.

Neither Helmstaedter, Krueger, Hudson nor Tajima, alone or in combination, disclose or suggest the imaging device of claim 13, wherein the imaging engine comprises a liquid electrophotography print engine. As acknowledged by the Office Action, Helmstaedter fails to disclose a liquid electrophotography print engine. As a result, the Office Action attempts to additionally rely upon Hudson. In particular, the Office Action asserts that:

it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Helmstaedter has taught by Hudson and include Hudson similar device having a liquid electrophotography print engine for the purpose of inexpensively reproducing print media.

(Office Action dated October 22, 2007, page 4).

However, this alleged motivation lacks merit. First, Helmstaedter already discloses a mechanism by which sheets may be printed upon, i.e. a printing press having an impression cylinder and a blanket cylinder. Accordingly, to add a liquid electrophotography print engine would be redundant.

Second, the entire device of Helmstaedter is directed to solving problems associated with a rotary sheet-fed printing press. If one were to add a liquid electrophotography print engine to Helmstaedter, then one of ordinary skill in the art would also be led to eliminate impression cylinder 3, impression cylinder 4 and turning drum 5 as they would serve absolutely no purpose. Such a modification would clearly change the principle of operation and destroy the intended functioning of Helmstaedter altogether. (See MPEP 2143.01). Accordingly, the rejection of claim 16 should be withdrawn for least this additional reason.

II. Conclusion

After amending the claims as set forth above, claims 1, 2, 4, 6, 10, 12-16 and 18 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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